

**From:** [Steinberg, Elliot](#)  
**To:** [Casey, Carolyn](#)  
**Cc:** [Ronald W. Ruth](#); [Joseph Salvetti](#); [Clough, Steve](#); [Alepidis, Kenneth](#); [Jennifer L. Ioli](#); [Smith, Cody](#); [Sweet, Jennifer](#); [John Hayes](#)  
**Subject:** Re: USM/Stop&Shop site MAD043415991  
**Date:** Friday, October 27, 2017 11:40:56 AM  
**Attachments:** [image001.png](#)

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Carolyn,  
Finished sediment sampling early. Planning to collect tidal water samples starting around 2:00  
Elliot

Sent from my iPhone

On Oct 26, 2017, at 7:18 AM, Casey, Carolyn <[Casey.Carolyn@epa.gov](mailto:Casey.Carolyn@epa.gov)> wrote:

Thank you for the update. I won't be there today. Maybe Monday.

Thanks

Carolyn

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**From:** Steinberg, Elliot [<mailto:ESteinberg@halevaldrich.com>]  
**Sent:** Wednesday, October 25, 2017 1:24 PM  
**To:** Casey, Carolyn <[Casey.Carolyn@epa.gov](mailto:Casey.Carolyn@epa.gov)>; Ronald W. Ruth <[RWRuth@sherin.com](mailto:RWRuth@sherin.com)>  
**Cc:** Joseph Salvetti <[JSalvetti@fstinc.com](mailto:JSalvetti@fstinc.com)>; Clough, Steve <[SClough@halevaldrich.com](mailto:SClough@halevaldrich.com)>; Alepidis, Kenneth <[KAlepidis@halevaldrich.com](mailto:KAlepidis@halevaldrich.com)>; Jennifer L. Ioli <[JLIoli@sherin.com](mailto:JLIoli@sherin.com)>; Smith, Cody <[CSmith@halevaldrich.com](mailto:CSmith@halevaldrich.com)>; Sweet, Jennifer <[JSweet@HaleyAldrich.com](mailto:JSweet@HaleyAldrich.com)>; John Hayes <[hayesjohnl@verizon.net](mailto:hayesjohnl@verizon.net)>  
**Subject:** RE: USM/Stop&Shop site MAD043415991

Carolyn,

Our team of Steve Clough and Cody Smith will be on-site starting tomorrow morning, Thursday 26 October 2017 at 8:00. The plan is to conduct the sediment sampling Thursday and Friday, and the tidal water sampling on Monday (provided the weather is not pouring on Monday). Sampling transects will be located with stakes and a GIS georeferenced plan so that the subsequent water sampling can be conducted along the transects.

**Elliot I. Steinberg P.E., LSP**

Senior Associate

**HALEY & ALDRICH**

465 Medford Street, Suite 2200

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[esteinberg@HaleyAldrich.com](mailto:esteinberg@HaleyAldrich.com)

[www.HaleyAldrich.com](http://www.HaleyAldrich.com)

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**From:** Casey, Carolyn [<mailto:Casey.Carolyn@epa.gov>]  
**Sent:** Tuesday, October 24, 2017 4:11 PM  
**To:** Steinberg, Elliot <[ESteinberg@halevaldrich.com](mailto:ESteinberg@halevaldrich.com)>; Ronald W. Ruth <[RWRuth@sherin.com](mailto:RWRuth@sherin.com)>  
**Cc:** Joseph Salvetti <[JSalvetti@fstinc.com](mailto:JSalvetti@fstinc.com)>; Clough, Steve <[SClough@halevaldrich.com](mailto:SClough@halevaldrich.com)>; Alepidis, Kenneth <[KAlepidis@halevaldrich.com](mailto:KAlepidis@halevaldrich.com)>; Jennifer L. Ioli <[JLIoli@sherin.com](mailto:JLIoli@sherin.com)>; Smith,

Cody <[CSmith@haleyaldrich.com](mailto:CSmith@haleyaldrich.com)>

**Subject:** USM/Stop&Shop site MAD043415991

Thank you.

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**From:** Steinberg, Elliot [<mailto:ESteinberg@haleyaldrich.com>]

**Sent:** Tuesday, October 24, 2017 4:07 PM

**To:** Casey, Carolyn <[Casey.Carolyn@epa.gov](mailto:Casey.Carolyn@epa.gov)>; Ronald W. Ruth <[RWRuth@sherin.com](mailto:RWRuth@sherin.com)>

**Cc:** Joseph Salvetti <[JSalvetti@fstinc.com](mailto:JSalvetti@fstinc.com)>; Clough, Steve <[SClough@haleyaldrich.com](mailto:SClough@haleyaldrich.com)>; Alepidis, Kenneth <[KAlepidis@haleyaldrich.com](mailto:KAlepidis@haleyaldrich.com)>; Jennifer L. Ioli <[JLIoli@sherin.com](mailto:JLIoli@sherin.com)>; Smith, Cody <[CSmith@haleyaldrich.com](mailto:CSmith@haleyaldrich.com)>

**Subject:** RE: Revised Beverly, MA/QAPP former USM/Stop&Shop site  
MAD043415991/Request to review adjusted sampling plan  
Carolyn,

Due the heavy rain forecast for tomorrow, we are tentatively pushing the schedule one day to Thursday start, 26 October, dependent on the weather. We will confirm schedule tomorrow. The field work will be conducted by Steve Clough and Cody Smith, and will be mobilizing from the Bass Haven Yacht Club.

**Elliot I. Steinberg P.E., LSP**

Senior Associate

**HALEY & ALDRICH**

465 Medford Street, Suite 2200

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Cell: 617.908.0354

[esteinberg@HaleyAldrich.com](mailto:esteinberg@HaleyAldrich.com)

[www.HaleyAldrich.com](http://www.HaleyAldrich.com)

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**From:** Casey, Carolyn [<mailto:Casey.Carolyn@epa.gov>]

**Sent:** Tuesday, October 24, 2017 3:59 PM

**To:** Ronald W. Ruth <[RWRuth@sherin.com](mailto:RWRuth@sherin.com)>

**Cc:** Joseph Salvetti <[JSalvetti@fstinc.com](mailto:JSalvetti@fstinc.com)>; Clough, Steve <[SClough@haleyaldrich.com](mailto:SClough@haleyaldrich.com)>; Alepidis, Kenneth <[KAlepidis@haleyaldrich.com](mailto:KAlepidis@haleyaldrich.com)>; Steinberg, Elliot <[ESteinberg@haleyaldrich.com](mailto:ESteinberg@haleyaldrich.com)>; Jennifer L. Ioli <[JLIoli@sherin.com](mailto:JLIoli@sherin.com)>

**Subject:** RE: Revised Beverly, MA/QAPP former USM/Stop&Shop site  
MAD043415991/Request to review adjusted sampling plan

Is the sampling firm for 8:00 am tomorrow? I do plan to be there. Is there somewhere in particular I can meet up with you?

Thanks

Carolyn

Carolyn J. Casey

U.S. Environmental Protection Agency

5 Post Office Square, Suite 100

Mail code OSRR 07-3

Boston, MA 02109-3912

P 617-918-1368

F 617-918-0368

[casey.carolyn@epa.gov](mailto:casey.carolyn@epa.gov)

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**From:** Casey, Carolyn

**Sent:** Thursday, October 19, 2017 8:07 AM

**To:** 'Ronald W. Ruth' <[RWRuth@sherin.com](mailto:RWRuth@sherin.com)>

**Subject:** RE: Revised Beverly, MA/QAPP former USM/Stop&Shop site  
MAD043415991/Request to review adjusted sampling plan

Thank you.

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**From:** Ronald W. Ruth [<mailto:RWRuth@sherin.com>]

**Sent:** Wednesday, October 18, 2017 6:54 PM

**To:** Casey, Carolyn <[Casey.Carolyn@epa.gov](mailto:Casey.Carolyn@epa.gov)>

**Cc:** Joseph Salvetti <[JSalvetti@fstinc.com](mailto:JSalvetti@fstinc.com)>; Clough, Steve <[SCLough@haleyaldrich.com](mailto:SCLough@haleyaldrich.com)>;  
Alepidis, Kenneth <[KAlepidis@haleyaldrich.com](mailto:KAlepidis@haleyaldrich.com)>; Steinberg, Elliot  
<[ESteinberg@haleyaldrich.com](mailto:ESteinberg@haleyaldrich.com)>; Jennifer L. Ioli <[JLIoli@sherin.com](mailto:JLIoli@sherin.com)>

**Subject:** RE: Revised Beverly, MA/QAPP former USM/Stop&Shop site  
MAD043415991/Request to review adjusted sampling plan

Carolyn, FYI to keep you up to speed on the sampling:

We are tentatively planning to start next Wednesday, 25 October around 8:00 AM. Low tide  
is at 9:30.

Thanks,

Ron

[Ronald W. Ruth](mailto:Ronald.W.Ruth@sherin.com) ☎ 617.646.2165 ☎ [rwruth@sherin.com](mailto:rwruth@sherin.com)



<!--[if !vml]--><!--[endif]-->



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**From:** Casey, Carolyn [<mailto:Casey.Carolyn@epa.gov>]

**Sent:** Friday, September 22, 2017 9:14 AM

**To:** Ronald W. Ruth

**Cc:** Joseph Salvetti; Clough, Steve; Alepidis, Kenneth; Steinberg, Elliot; Jennifer L. Ioli

**Subject:** RE: Revised Beverly, MA/QAPP former USM/Stop&Shop site MAD043415991/Request to review  
adjusted sampling plan

Thanks you for the heads up!

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**From:** Ronald W. Ruth [<mailto:RWRuth@sherin.com>]

**Sent:** Thursday, September 21, 2017 11:07 PM

**To:** Casey, Carolyn <[Casey.Carolyn@epa.gov](mailto:Casey.Carolyn@epa.gov)>

**Cc:** Joseph Salvetti <[JSalvetti@fstinc.com](mailto:JSalvetti@fstinc.com)>; Clough, Steve <[SCLough@haleyaldrich.com](mailto:SCLough@haleyaldrich.com)>;  
Alepidis, Kenneth <[KAlepidis@haleyaldrich.com](mailto:KAlepidis@haleyaldrich.com)>; Steinberg, Elliot  
<[ESteinberg@haleyaldrich.com](mailto:ESteinberg@haleyaldrich.com)>; Jennifer L. Ioli <[JLIoli@sherin.com](mailto:JLIoli@sherin.com)>

**Subject:** Re: Revised Beverly, MA/QAPP former USM/Stop&Shop site  
MAD043415991/Request to review adjusted sampling plan

Carolyn: just to clarify, Haley and Aldrich will be sampling in the week of the 23rd, not  
necessarily that day.

Ron

Sent from my iPhone  
Ronald Ruth  
Sherin and Lodgen LLP  
617.646.2165

On Sep 21, 2017, at 8:30 PM, Ronald W. Ruth <[RWRuth@sherin.com](mailto:RWRuth@sherin.com)> wrote:

Carolyn: just a quick update. Haley and Aldrich is scheduled to take the samples on October 23.  
Ron

Sent from my iPhone  
Ronald Ruth  
Sherin and Lodgen LLP  
617.646.2165

On Sep 5, 2017, at 1:22 PM, Casey, Carolyn <[Casey.Carolyn@epa.gov](mailto:Casey.Carolyn@epa.gov)> wrote:

Sorry for the delay. I wanted to double check on this and yes, we are OK with the adjustment.  
Thanks  
Carolyn

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**From:** Ronald W. Ruth [<mailto:RWRuth@sherin.com>]

**Sent:** Friday, August 25, 2017 4:19 PM

**To:** Casey, Carolyn <[Casey.Carolyn@epa.gov](mailto:Casey.Carolyn@epa.gov)>

**Cc:** Joseph Salvetti <[JSalvetti@fstinc.com](mailto:JSalvetti@fstinc.com)>; Clough, Steve <[SCLough@haleyaldrich.com](mailto:SCLough@haleyaldrich.com)>; Alepidis, Kenneth <[KAlepidis@haleyaldrich.com](mailto:KAlepidis@haleyaldrich.com)>; Steinberg, Elliot <[ESteinberg@haleyaldrich.com](mailto:ESteinberg@haleyaldrich.com)>; Jennifer L. Ioli <[JLIoli@sherin.com](mailto:JLIoli@sherin.com)>

**Subject:** Re: Revised Beverly, MA/QAPP former USM/Stop&Shop site MAD043415991/Request to review adjusted sampling plan

Carolyn: we do plan water access using a small boat. A boat has been our plan from the outset. The need to use a boat is part of our push to perform the work in good weather.

Despite the sampling areas effectively being submerged they are privately owned. In Massachusetts private ownership extends to the mean low water line -- which is why we have needed private party consent.

I hope this response is helpful.

With this response, are you okay, then, with the adjustment?

Thanks,  
Ron

Sent from my iPhone  
Ronald Ruth  
Sherin and Lodgen LLP  
617.646.2165

On Aug 25, 2017, at 4:01 PM, Casey, Carolyn  
<[Casey.Carolyn@epa.gov](mailto:Casey.Carolyn@epa.gov)> wrote:

I was about to send the previous comments where we requested consideration of access to sample locations via the water and a water craft. Was this not considered or not possible? If not possible why? And if not possible, then this looks OK. Not ideal, but the delay has been considerable and it would be great to move this forward. I have not looked into EPA providing assistance for access since I don't recall the need. I think we left off suggesting water access.

Thanks

Carolyn

Carolyn J. Casey

U.S. Environmental Protection Agency

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F 617-918-0368

[casey.carolyn@epa.gov](mailto:casey.carolyn@epa.gov)

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**From:** Ronald W. Ruth [<mailto:RWRuth@sherin.com>]

**Sent:** Friday, August 25, 2017 3:39 PM

**To:** Casey, Carolyn <[Casey.Carolyn@epa.gov](mailto:Casey.Carolyn@epa.gov)>

**Cc:** 'Joseph Salvetti' <[JSalvetti@fstinc.com](mailto:JSalvetti@fstinc.com)>; 'Clough, Steve' <[SClough@haleyaldrich.com](mailto:SClough@haleyaldrich.com)>; 'Alepdis, Kenneth' <[KAlepdis@haleyaldrich.com](mailto:KAlepdis@haleyaldrich.com)>; 'Steinberg, Elliot' <[ESteinberg@haleyaldrich.com](mailto:ESteinberg@haleyaldrich.com)>; Jennifer L. Ioli <[JLIoli@sherin.com](mailto:JLIoli@sherin.com)>

**Subject:** RE: Revised Beverly, MA/QAPP former USM/Stop&Shop site MAD043415991/Request to review adjusted sampling plan

Carolyn, in my email of August 9, 2017, I noted that one property owner had declined access. We have consulted with Haley and Aldrich to develop an adjusted sampling plan for your review and approval. We believe the adjusted plan still will give rise to a representative sampling. The number of samples remains unchanged and the locations only are moved as minimally as possible. The adjusted plan will allow the sampling to be performed before the weather turns.

We respectfully request that EPA review and, hopefully, approve the adjustments to the sampling

plan. Attached are “red-line” and “clean” plans showing proposed adjustments to the Beverly sediment sampling program, based on available access.

We look forward to your response.

Thank you.

Ron

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**From:** Ronald W. Ruth

**Sent:** Monday, August 14, 2017 11:39 AM

**To:** 'Casey, Carolyn'

**Cc:** 'Joseph Salvetti'; 'Clough, Steve'; 'Alepidis, Kenneth'; 'Steinberg, Elliot'; Jennifer L. Ioli

**Subject:** RE: Revised Beverly, MA/QAPP former USM/Stop&Shop site MAD043415991 Access Request?

Carolyn, below is an excerpt of the email report we received from Haley and Aldrich:

It was a packed house last night at Beverly City Hall. See attached photo. The meeting turned out to be a regional listening session run by Jay Ash, Massachusetts Secretary of Housing and Economic Development (standing in white shirt). Residents, harbor masters, police, representatives of various yacht clubs got up to speak about the need for dredging of the various rivers on the north shore (a separate session was held for the south shore), as well as some old salts whose family built fishing vessels and opposed dredging. Jay Ash leading an effort to develop a state-wide process for dredging and was looking for input on funding sources (public/private), benefits (recreational use of the waterways, jobs, safety – a theme that repeated), and maintenance plans. Some examples were of rivers that filled back in within 7 years, and some rivers/harbors had not been dredged in over a 100 years.

Please advise if you have any questions or comments.

Ron

---

**From:** Casey, Carolyn [<mailto:Casey.Carolyn@epa.gov>]

**Sent:** Monday, August 14, 2017 10:18 AM

**To:** Ronald W. Ruth

**Cc:** 'Joseph Salvetti'; 'Clough, Steve'; 'Alepidis, Kenneth'; 'Steinberg, Elliot'; Jennifer L. Ioli

**Subject:** RE: Revised Beverly, MA/QAPP former USM/Stop&Shop site MAD043415991 Access Request?

Sorry I missed this event. Was there anything relevant to the proposed work?

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**From:** Ronald W. Ruth [<mailto:RWRuth@sherin.com>]  
**Sent:** Wednesday, August 09, 2017 4:06 PM  
**To:** Casey, Carolyn <[Casey.Carolyn@epa.gov](mailto:Casey.Carolyn@epa.gov)>  
**Cc:** 'Joseph Salvetti' <[JSalvetti@fstinc.com](mailto:JSalvetti@fstinc.com)>; 'Clough, Steve' <[SCLough@halevaldrich.com](mailto:SCLough@halevaldrich.com)>; 'Alepidis, Kenneth' <[KAlepidis@halevaldrich.com](mailto:KAlepidis@halevaldrich.com)>; 'Steinberg, Elliot' <[ESTeinberg@halevaldrich.com](mailto:ESTeinberg@halevaldrich.com)>; Jennifer L. Ioli <[JLIoli@sherin.com](mailto:JLIoli@sherin.com)>  
**Subject:** RE: Revised Beverly, MA/QAPP former USM/Stop&Shop site MAD043415991 Access Request?

Carolyn, below is a quick update as to status. We continue to try to obtain access for the complete sampling area but have received consent only from the Yacht Club. We have a definite “no” from one property owner and are still seeking a response from the other.

We did want to draw to your attention a “listening session” concerning the proposed Bass River dredging project. The session is scheduled for tomorrow at 4:30 in Beverly. Please see attached. We plan to have Haley and Aldrich attend. Please call or email with any questions or comments. Thank you.

Ron

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**From:** Casey, Carolyn [<mailto:Casey.Carolyn@epa.gov>]  
**Sent:** Thursday, May 11, 2017 12:39 PM  
**To:** Ronald W. Ruth  
**Cc:** 'Joseph Salvetti'; 'Clough, Steve'; 'Alepidis, Kenneth'; 'Steinberg, Elliot'; Jennifer L. Ioli  
**Subject:** RE: Revised Beverly, MA/QAPP former USM/Stop&Shop site MAD043415991 Access Request?  
Thank you for the updates.

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**From:** Ronald W. Ruth [<mailto:RWRuth@sherin.com>]  
**Sent:** Wednesday, May 10, 2017 2:02 PM  
**To:** Casey, Carolyn <[Casey.Carolyn@epa.gov](mailto:Casey.Carolyn@epa.gov)>  
**Cc:** 'Joseph Salvetti' <[JSalvetti@fstinc.com](mailto:JSalvetti@fstinc.com)>; 'Clough, Steve' <[SCLough@halevaldrich.com](mailto:SCLough@halevaldrich.com)>; 'Alepidis, Kenneth' <[KAlepidis@halevaldrich.com](mailto:KAlepidis@halevaldrich.com)>; 'Steinberg, Elliot' <[ESTeinberg@halevaldrich.com](mailto:ESTeinberg@halevaldrich.com)>; Jennifer L. Ioli <[JLIoli@sherin.com](mailto:JLIoli@sherin.com)>  
**Subject:** RE: Revised Beverly, MA/QAPP former USM/Stop&Shop site MAD043415991 Access Request?

Carolyn: just to my earlier email in context, we are planning to complete this sampling effort as soon as

possible, certainly in the next couple months - subject to access (the Yacht Club has granted access).

Ron

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**From:** Ronald W. Ruth

**Sent:** Wednesday, May 10, 2017 10:16 AM

**To:** 'Casey, Carolyn'

**Cc:** 'Joseph Salvetti'; 'Clough, Steve'; 'Alepidis, Kenneth'; 'Steinberg, Elliot'; Jennifer L. Ioli

**Subject:** RE: Revised Beverly, MA/QAPP former USM/Stop&Shop site MAD043415991 Access Request?

Carolyn, thanks so much for your assistance. As shown of the attached the proposed R series of samples are within the fee owned parcels (which extend into the inter tidal zone) as shown on the attached. We believe consent is necessary. We think sediment sampling exceeds the scope of the fishing , fowling and navigation rights that arise from the Colonial Ordinances.

We are sending another round of letters to the owners. We will keep you apprised.

Thanks , again.

Ron

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**From:** Casey, Carolyn [<mailto:Casey.Carolyn@epa.gov>]

**Sent:** Thursday, May 04, 2017 3:21 PM

**To:** Ronald W. Ruth

**Cc:** 'Joseph Salvetti'; 'Clough, Steve'; 'Alepidis, Kenneth'; 'Steinberg, Elliot'; Jennifer L. Ioli

**Subject:** FW: Revised Beverly, MA/QAPP former USM/Stop&Shop site MAD043415991 Access Request?

The following specific responses in blue text are from the DEP. In addition, the process for requesting help from the DEP with access follows.

Here is some additional information to respond more directly to some of the questions.

If you are aware of authority for the work to proceed without the consent of owner of the fee interest in the intertidal zone, please advise as such a right would be helpful.

- My understanding is, in Massachusetts the law grants ownership of the intertidal zone between high and low mean water levels to the uplands landowner, with some rights granted to the public for fishing, fowling and navigation. So, I



believe access is needed from the property owner for sampling in this area. You may want to look into this further.

**Trying to collect surface water and sediment samples in the Bass River in Beverly within an intertidal zone at the edge of private property. Do you know who we go to for access via the water way, if the homeowner turns the facility down?**

- **Maybe you do not need an access agreement if, the sampling is to be done below the low mean water level. If you need access but do not receive it, you can request help from MassDEP as I described in my earlier email.**

**And even if the home owner says yes, and they can access from private property, is there an OK needed from MA DEP?**

- **If the landowner grants access, no additional access is needed from MassDEP.**

Regards,

Jack

If the sampling is needed to complete response actions under the Chapter 21E & the Massachusetts Contingency Plan, typically, and if the property to which access is needed is not owned by a PRP, and after discussion and requests, access is not granted, MassDEP could try to facilitate the access agreement discussions if a request is made to MassDEP per 310 CMR 40.0173. Some of this MCP regulation is pasted below.

310 CMR 40.0173: Site Access Authorization

(1) After making reasonable efforts to obtain reasonable access to any site or other location to be investigated as a possible site not owned by him or her, a RP, PRP or Other Person who is unable to obtain such access may request, in

writing, that the Department authorize him or her, or his or her employees, agents, representatives or contractors, to enter such site or location for the purpose of performing one or more necessary response actions. Each such request for authorization shall include all of the following information:

- (a) the identity of the person making the request and his or her relationship to the site or location;
- (b) the nature and location of the response action(s) that he or she intends to undertake, the anticipated duration of the response action(s) and the reason(s) such access is necessary to perform the response action(s);
- (c) the identity of the person or persons who own or operate the site or location to which the Department's authorization for access is sought;
- (d) the results of any and all attempts to obtain such access; and (e) certification that a copy of the request has been sent to each person or persons who own or operate such sites or locations.

(2) Any person who intends to submit such a request for authorization to the Department shall send a copy thereof to each person who owns and operates the site or location to which access is sought by certified mail, return receipt requested, and a statement informing such person that he or she may file a response thereto with the Department in accordance with 310 CMR 40.0173, prior to submitting the request to the Department. Each person to whom a copy of the request is sent may submit a response to the request, in writing, to the Department.....

Usually attorneys at the MassDEP regional office are involved.

Let me know if you want to discuss further.

Jack

John F. Miano  
Chief, Site Management Section  
Bureau of Waste Site Clean-up  
205B Lowell St., Wilmington MA 01887  
Telephone 978-694-3357  
Email [john.miano@state.ma.us](mailto:john.miano@state.ma.us)  
[MassDEP e-newsletter:](#)

[mass.gov/dep/public/publications/enews.htm](http://mass.gov/dep/public/publications/enews.htm)

MassDEP web site: [mass.gov/dep](http://mass.gov/dep)

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**From:** Knox, Rosemary (DEP)

**Sent:** Thursday, April 27, 2017 7:39 AM

**To:** Miano, John (DEP)

**Subject:** FW: Revised Beverly, MA/QAPP former  
USM/Stop&Shop site MAD043415991

Hi Jack, Can you help with Carolyn's questions below  
regarding USM.

Rose

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**From:** Casey, Carolyn [<mailto:Casey.Carolyn@epa.gov>]

**Sent:** Wednesday, April 26, 2017 11:11 AM

**To:** Knox, Rosemary (DEP)

**Cc:** Alexander, Lisa (DEP); Battaglia, Frank

**Subject:** FW: Revised Beverly, MA/QAPP former  
USM/Stop&Shop site MAD043415991

**We have an access issue. One specific question in yellow highlight in email below.**

**Trying to collect surface water and sediment samples in the Bass River in Beverly within an intertidal zone at the edge of private property. Do you know who we go to for access via the water way, if the homeowner turns the facility down? And even if the homeowner says yes, and they can access from private property, is there an OK needed from MA DEP?**

**I found the following on the web.**  
**[Chapter 91 or the Waterways Regulations](#)** But it seems to do more with construction and changes the intertidal zone. There will be no with only the small amounts of samples to be collected.

**Then I found the following. Do you think it makes sense for me/facility to contact the following:**

**Executive Office of Energy and Environmental Affairs**

100 Cambridge Street, Suite 900  
Boston, MA 02114  
Telephone: (617) 626-1000  
Fax: (617) 626-4900  
Email: [env.internet@state.ma.us](mailto:env.internet@state.ma.us)

This is related to the other piece of the USM Beverly site.

Thanks

Carolyn

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**From:** Ronald W. Ruth [<mailto:RWRuth@sherin.com>]  
**Sent:** Tuesday, April 18, 2017 5:35 PM  
**To:** Casey, Carolyn <[Casey.Carolyn@epa.gov](mailto:Casey.Carolyn@epa.gov)>  
**Cc:** Jon Stott <[jstott@firsthighland.com](mailto:jstott@firsthighland.com)>; 'Salvetti, Joseph' <[Joseph.Salvetti@stantec.com](mailto:Joseph.Salvetti@stantec.com)>; Clough, Steve <[SClough@haleyaldrich.com](mailto:SClough@haleyaldrich.com)>;  
'[KAlepidis@haleyaldrich.com](mailto:KAlepidis@haleyaldrich.com)' <[KAlepidis@haleyaldrich.com](mailto:KAlepidis@haleyaldrich.com)>; 'Steinberg, Elliot' <[ESteinberg@haleyaldrich.com](mailto:ESteinberg@haleyaldrich.com)>; Jennifer L. Ioli <[JLIoli@sherin.com](mailto:JLIoli@sherin.com)>  
**Subject:** RE: Revised Beverly, MA/QAPP former USM/Stop&Shop site MAD043415991

Carolyn,

Thank you for EPA's comments.

We will redouble our efforts to gain access to the outstanding properties, and in the event that we need EPA's assistance, we will be sure to let you know.

Further, although Massachusetts law provides rights to fish, fowl, and navigate in the intertidal zone (whether submerged or not), as a private party, I believe my client does not have the right to sample, as suggested in Item 7 below. **If you are aware of authority for the work to proceed without the consent of owner of the fee interest in the intertidal zone, please advise as such a right would be helpful.**

Ron

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**From:** Casey, Carolyn [<mailto:Casey.Carolyn@epa.gov>]  
**Sent:** Monday, April 17, 2017 4:07 PM  
**To:** Ronald W. Ruth  
**Subject:** FW: Revised Beverly, MA/QAPP former USM/Stop&Shop site MAD043415991  
Resending

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**From:** Casey, Carolyn  
**Sent:** Monday, April 17, 2017 4:05 PM  
**To:** 'Ronald W. Ruth '  
**Cc:** 'Joseph Salvetti' <[JSalvetti@fstinc.com](mailto:JSalvetti@fstinc.com)>; 'Clough, Steve' <[SClough@haleyaldrich.com](mailto:SClough@haleyaldrich.com)>; 'Alepidis, Kenneth' <[KAlepidis@haleyaldrich.com](mailto:KAlepidis@haleyaldrich.com)>; 'Steinberg, Elliot' <[ESteinberg@haleyaldrich.com](mailto:ESteinberg@haleyaldrich.com)>; 'Jennifer L. Ioli' <[JLIoli@sherin.com](mailto:JLIoli@sherin.com)>  
**Subject:** FW: Revised Beverly, MA/QAPP former

USM/Stop&Shop site MAD043415991

Sorry for the delay in responding to your email (below). Upon review of the information submitted, we have determined that it would not be an appropriate substitute for the sampling proposed in the QAPP/WP. We are providing the following comments as explanation. Note they are not in any particular order of importance.. Please provide a date for sampling as soon as possible.

- 1) Toxicity testing for sediment dredge disposal is not necessarily representative of what is needed for an ecological risk assessment. In the usual ERA there is an assumption that sediments would not be remediated if they do not show unacceptable risk. In addition, sediment exposure in this more estuarine area with various zones, often determining key receptors it is likely quite a bit different then in a dredge spoils disposal area. Exactly where that is could make all the difference in the test species selection and what test is warranted or approved (i.e., acute vs chronic). From an ERA perspective, EPA would not likely have recommended the testing used for this study (i.e., *A. bahia*), simply because it is more relevant to dredging and water column impacts whereas EPA is strictly looking at sediment in place at this point. The more sensitive 28-day chronic test using *L. plumulosus*, has been available since 2001. If we get to the point that more testing is forthcoming, the primary request, strictly from the ERA perspective, would likely be the chronic test with *L. plumulosus*. This allows for the assessment of the more sensitive growth and reproduction endpoints.
- 2) They WP proposes collection of sediments for chemical analyses, not just toxicity testing. Before toxicity testing, sediment chemistry results should be evaluated and compared to marine based sediment effects values. This would include looking at the chemical results from background locations.
- 3) It's not clear which properties are and are not providing access.
- 4) The figures provided appear to indicate that the samples were collected in the channel. Our

areas of interest are not in the dredging zone shown in the figures.

- 5) The second bullet under Conclusions relative to USM QAPP states that the data is nearly 10 years old. This assertion regarding "less clean" appears highly speculative and unsubstantiated. The intention of the risk assessment is to present a risk characterization that defines the current and future risk potential. EPA bases its decisions on current data. A 10 year old toxicity test, particularly in such a dynamic environment, is not valid.
- 6) Concentrations in sediment would not be expected to decrease if the slag was continually or increasingly eroding and leaching to the sediments. More broadly, with all the ebbs and flows and other influences to this system any prediction to the level the ERA requires would be flawed. EPA cannot make decisions on conjecture.
- 7) Please clarify why samples cannot be strategically collected via water access.

- 8) EPA can assist with gaining access.

Carolyn J. Casey

U.S. Environmental Protection Agency

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**From:** Ronald W. Ruth [<mailto:RWRuth@sherin.com>]

**Sent:** Thursday, January 26, 2017 1:06 PM

**To:** Casey, Carolyn <[Casey.Carolyn@epa.gov](mailto:Casey.Carolyn@epa.gov)>

**Cc:** 'Joseph Salvetti' <[JSalvetti@fstinc.com](mailto:JSalvetti@fstinc.com)>; Clough, Steve <[SClough@haleyaldrich.com](mailto:SClough@haleyaldrich.com)>; Alepidis, Kenneth <[KAlepidis@haleyaldrich.com](mailto:KAlepidis@haleyaldrich.com)>; Steinberg, Elliot <[ESteinberg@haleyaldrich.com](mailto:ESteinberg@haleyaldrich.com)>; Jennifer L. Ioli <[JLIoli@sherin.com](mailto:JLIoli@sherin.com)>

**Subject:** RE: Revised Beverly, MA/QAPP former USM site MAD043415991

Carolyn,

Below is a status report of the sediment sampling effort and a request.

As the first step in the sampling effort (working

through Haley and Aldrich (H&A)) our client (Stop & Shop) has secured consent from one of the three abutters from whom consent for access is necessary. The Bass Haven Yacht Club has granted access. Another abutter has refused to allow access. The third abutter has been unwilling to respond - efforts to contact that third abutter have included at least two letters and two phone calls to the property owner.

In the course of securing consent to access from the Bass Haven Yacht Club, H&A learned that the Army Corps of Engineers is in the process of issuing permits to allow the yacht club and the City of Beverly to perform maintenance dredging of the upper channel of the Bass River to improve vessel navigation. The northern limit of the dredge footprint is contiguous with the southern extent of the USM Sediment QAPP study area. In connection with the proposed dredging project bioassay assessment already has been conducted on the sediments of the Bass River. Further, the bioassay results show no significant risk of contamination in the dredge spoils. The proposed dredge area is downstream from the proposed H&A sampling area, as more particularly detailed in the attached memorandum prepared by Haley & Aldrich.

Given (1) the difficulty and delay in obtaining land owner consent, (2) the new information concerning the bioassay assessment, and (3) the upcoming dredge work, may I respectfully propose on behalf of Stop & Shop that the H&A sampling proceed Spring, 2017, using the consent obtained from the yacht club. In other words, samples would be taken only from the yacht club land. The results of the more limited sampling program combined with the newly discovered results of the bioassay assessment would enable to H&A to accomplish the objectives of the original sampling program and to do so in Summer, 2017.

If you have questions or comments, please do not hesitate to contact me to discuss.

Thank you,  
Ron

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**From:** Casey, Carolyn [<mailto:Casey.Carolyn@epa.gov>]

**Sent:** Tuesday, August 30, 2016 4:46 PM

**To:** Steinberg, Elliot; Ronald W. Ruth

**Cc:** 'Joseph Salvetti'; Clough, Steve; Alepidis, Kenneth

**Subject:** RE: Revised Beverly, MA/QAPP former USM site  
MAD043415991

Please see attached.

Also, please provide at least 2 weeks notice prior to  
any field work and/or sampling.

Thank You,

Carolyn

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**From:** Casey, Carolyn

**Sent:** Monday, June 20, 2016 11:14 AM

**To:** 'Steinberg, Elliot'

<[ESteinberg@haleyaldrich.com](mailto:ESteinberg@haleyaldrich.com)>; Ronald W. Ruth

<[RWRuth@sherin.com](mailto:RWRuth@sherin.com)>

**Cc:** 'Joseph Salvetti' <[JSalvetti@fstinc.com](mailto:JSalvetti@fstinc.com)>; Clough,

Steve <[SClough@haleyaldrich.com](mailto:SClough@haleyaldrich.com)>; Alepidis,

Kenneth <[KAlepidis@haleyaldrich.com](mailto:KAlepidis@haleyaldrich.com)>

**Subject:** RE: Revised Beverly, MA/QAPP

Hope you all had a nice Father's day weekend!

Sorry for taking so much time with this review. I  
think the changes look good and have no further  
comments. Please provide the signed cover page  
and I will sign and send back.

Also, please provide at least a two week notice prior  
to any sampling.

Thank You,

Carolyn

Carolyn J. Casey

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**From:** Steinberg, Elliot

[<mailto:ESteinberg@haleyaldrich.com>]

**Sent:** Tuesday, December 08, 2015 5:50 PM

**To:** Casey, Carolyn <[Casey.Carolyn@epa.gov](mailto:Casey.Carolyn@epa.gov)>;

Ronald W. Ruth <[RWRuth@sherin.com](mailto:RWRuth@sherin.com)>

**Cc:** 'Joseph Salvetti' <[JSalvetti@fstinc.com](mailto:JSalvetti@fstinc.com)>; Clough,

Steve <[SClough@haleyaldrich.com](mailto:SClough@haleyaldrich.com)>; Alepidis,

Kenneth <[KAlepidis@haleyaldrich.com](mailto:KAlepidis@haleyaldrich.com)>

**Subject:** RE: Revised Beverly, MA/QAPP

Carolyn,

Attached is a revised draft QAPP in response to your  
comments of 30 September 2015, a redline  
comparison to the previous QAPP text, and facility  
responses to your 30 September comments



narrative.

**Elliot I. Steinberg, P.E., LSP**

Brownfields Program Manager | Vice President

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**From:** Casey, Carolyn [<mailto:Casey.Carolyn@epa.gov>]

**Sent:** Wednesday, September 30, 2015 1:18 PM

**To:** Ronald W. Ruth

**Cc:** Steinberg, Elliot; 'Joseph Salvetti'; Clough, Steve

**Subject:** RE: Revised Beverly, MA/QAPP

Please see attached responses.

Thanks

Carolyn

Carolyn J. Casey

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**From:** Ronald W. Ruth [<mailto:RWRuth@sherin.com>]

**Sent:** Friday, August 28, 2015 10:59 AM

**To:** Casey, Carolyn

**Cc:** 'Steinberg, Elliot'; 'Joseph Salvetti'; Clough, Steve

**Subject:** Revised Beverly, MA/QAPP

Carolyn, in response to your request please find a clean and a compare version of a revised draft QAPP for EPA's review. We look forward to your comments. Please note that the revised sampling locations will require additional landowner access consents prior to commencement of that work. Please call or email with any questions or comments.  
Ron

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